

UNITED STATES OF AMERICA,

Plaintiff,

File No: 1:05-CR-18

v.

HON. DAVID W. McKEAGUE

JIMMY SMITH,

Defendant.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge (Docket #89) is approved and adopted as the opinion of the Court.
2. Defendant's plea of guilty is accepted and defendant is adjudicated guilty of the charges set forth in Count 13 of the Superseding Indictment.
3. Defendant shall be detained pending sentencing pursuant to 18 U.S.C. §3143(a)(2).
4. A decision of whether to accept the written plea agreement will be made at the time of sentencing after the Court has had the opportunity to review the Presentence Investigation Report. See U.S.S.G. Ch. 6. If the Court rejects the plea agreement, then the defendant will have the right to withdraw his plea under Fed.R.Crim.P. 11(c)(5).

IT IS SO ORDERED.

DATED: June 8, 2005

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT JUDGE